

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID C. JOHNSON

V.

SARGENT RAGERI, ET AL.

:
:
:
:
:
:
:
:
:

C.A.NO. 02-4874

WEINER, J.

August 15, 2002

ORDER

The motion of plaintiff for leave to proceed in forma pauperis is GRANTED.

The person having custody and control over prison accounts at Chester County Prison is ORDERED to remit to the Clerk of Court on behalf of plaintiff the amount of \$17.50, in part payment of the filing fee in this matter.¹

The person having custody and control over prison accounts at Chester County Prison, or wherever plaintiff may be housed in the future, is ORDERED to remit to the Clerk of Court on behalf of plaintiff David C. Johnson, monthly payments equal to twenty percent of the

1. Plaintiff's prison financial statement indicates his average monthly deposits equal \$87.50; his average monthly balance equals \$17.99. Twenty percent of \$87.50 equals \$17.50.

plaintiff's preceding month's income credited to the prisoner's account, each time the amount in his account exceeds \$10.00, until the balance of the \$150.00 filing fee has been paid.

The Clerk is DIRECTED to enter this case on the docket and have the complaint served upon all defendants. Summons are to issue. Service of the summons and complaint is to be made upon the defendants by the United States Marshal's Service in the event that waiver of service is not effected under Fed. R. Civ. Pro. 4(d)(2). To effect waiver of service the Clerk of Court is specially appointed to serve a written waiver request upon the defendants. The clerk of court shall also send a copy of the complaint to the attorney representing the correctional institution where the claim is alleged to have arisen. The waiver of service request shall be accompanied by the complaint and shall inform the defendants of the consequences of compliance and of the failure to comply with the request. The request shall allow the defendants at least 30 days from the date it is sent (60 days if addressed outside of any judicial district of the United States) to return the signed waiver. If a signed waiver is not returned within the time limit given, the Clerk of Court's Office shall transmit the summons and a copy of the complaint to the United States Marshal for immediate service under Rule 4(c)(1), and a copy of this order is to be directed to all parties.

Defendants are ORDERED to file a responsive pleading within thirty (30) days of service.

IT IS SO ORDERED.

CHARLES R. WEINER